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SUPREME COURT, U. S.

Supreme Court of the United States

October Term, 1966

No. 1386

ADAM CLAYTON POWELL, JR., et al.,

Plaintiffs-Petitioners,

against

JOHN W. McCORMACK, et al.,

Defendants-Respondents.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

MOTION OF THE HARLEM LAWYERS ASSOCIATION, INC., FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

FREDERICK E. SAMUEL,
261 West 125th Street,
New York, New York 10027,
Attorney for Amicus Curiae.

Supreme Court of the United States

October Term, 1966

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Plaintiffs-Petitioners,

against

JOHN W. McCORMACK, et al.,

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CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Motion of the Harlem Lawyers Association, Inc., for Leave to File Brief *Amicus Curiae*

The Harlem Lawyers Association, Inc., respectfully moves for leave to file a brief *amicus curiae* in support of the petitioners herein. Petitioners have orally consented to the filing of an *amicus curiae* brief by this corporation but, in view of the emergency nature of this proceeding, no application therefor has been made to respondents.

The interest of the corporation is to be found in the fact that the vast majority of its members are attorneys-at-law, who not only live, but practice their profession in the middle of the 18th Congressional District. A second and more important interest of *amicus* arises in the

fundamental principle of representative democracy involved in this proceeding, to wit: whether a duly elected representative, possessed of all the constitutional qualifications, can be legally denied his seat on other and unrelated grounds.

The continuous and continued denial of the inhabitants of representation in our national government gravely and irreparably injures the said inhabitants, in that daily decisions are being made which deeply affect their political, social and economic lives.

May, 1967

Respectfully submitted,

FREDERICK E. SAMUEL,
Attorney for Movant.

Supreme Court of the United States

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Plaintiffs-Petitioners,

against

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CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

BRIEF OF THE HARLEM LAWYERS ASSOCIATION, INC. *AMICUS CURIAE*

The Harlem Lawyers Association, Inc., has been advised that plaintiffs-petitioners have petitioned this Court, pursuant to Rule 20 of its Revised Rules, to grant a writ of certiorari to review the dismissal of their complaint by the United States District Court for the District of Columbia, an appeal from which is presently pending in the United States Court of Appeals for the District of Columbia, before judgment is given in the latter Court. The aforementioned Rule 20 states, in part, that such a writ of certiorari will be granted only ". . . upon a showing that the case is of such imperative public importance as to justify the deviation from normal appellate processes and to require immediate settlement in this Court . . ."

Amicus respectfully submits that if ever there was such a case of "such imperative public importance", the present case is it. By its arbitrary, capricious, unprecedented and illegal exclusion of petitioner Adam Clayton Powell, Jr., a duly elected representative from the 18th Congressional District of New York, the House of Representatives has deprived the residents of the said district of legislative representation. The direct consequence of the said action of the House of Representatives is that there has existed and now still exists the undemocratic situation whereby the residents of the 18th Congressional District are faced with and experiencing taxation without representation, Irreparable injury and deep harm have been done as a result, to the inhabitants of the 18th Congressional District, including a large number of the members of the Harlem Lawyers Association, who reside within the political subdivision of said District.

The right of citizens to select their own representatives is fundamental to representative democracy. Any act which deprives citizens of this fundamental right tramples democracy. There is a pressing and urgent need to speedily determine whether or not the House of Representatives was legally justified in stripping the inhabitants of the 18th Congressional District of their representation.

For each day that this urgent matter remains unresolved the irreparable injury to the constituents increases. The application of Rule 20 to the instant case is both compelling and imperative and *amicus* seriously urge the same.

Respectfully submitted,

FREDERICK E. SAMUEL,
261 West 125th Street,
New York, New York 10027,
Attorney for Amicus Curiae.

May, 1967.